

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, October 10, 2012
6:00 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 6:00 p.m.

2) ROLL CALL

Commissioners: Doug West, Chair
Brad Avery
Paul Blank
David Girling
Ralph Rodheim

Absent (Excused): Duncan McIntosh
Karen Rhyne

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Mayor Nancy Gardner

3) PLEDGE OF ALLEGIANCE – Commissioner Girling

4) PUBLIC COMMENTS

Interested parties were invited to address the Commission on agenda and non-agenda items. There being no one wishing to address the Commission, Chair West closed the public comments portion of the meeting.

5) APPROVAL OF MINUTES from September 12, 2012

Motion: Commissioner Blank made a motion to approve the minutes of the Harbor Commission regular meeting of September 12, 2012, as submitted. Commissioner Girling seconded the motion, which carried with 4 ayes, 1 abstention (Rodheim) and 2 absent (McIntosh and Rhyne). Approved.

6) CURRENT BUSINESS

A. Stand Up Paddle Boarding in Newport Harbor

The Harbor Commission will discuss stand up paddle boarding in Newport Harbor and decide whether the issue should be added to the Commission's 2012-13 Objectives for further review and evaluation.

Recommendation:

1. Discuss the recent concerns over stand up paddle boarding in Newport Harbor, and
2. Consider adding stand up paddle boarding to the Harbor Commission's 2012-13 Objectives as a future item to evaluate.

Chair West read title to the aforementioned item and invited interested parties to address the Commission on this item.

Council Liaison Mayor Nancy Gardner reported receiving many emails regarding the matter and that most emails were in relation to people not paying attention rather than perceived problems with stand-up paddlers.

Chair West indicated that he too, received emails and stated the purpose for including the matter on the agenda was to air out the issue to obtain input from the Commission and to determine whether or not the matter warrants further consideration to assess possible safety concerns.

Commissioner Rodheim reported that he uses the Bay frequently and invited interested parties to join him at 7:15 a.m. Thursday, October 11, 2012 where Balboa Boat Rentals will be doing stand-up paddle boarding. He felt that the Commission should not take on the issue as it is currently not a problem. However, he agreed with the concept of boating safety and felt that increasing communication regarding safe paddle boarding or safe boating would be helpful. He noted that information is currently available.

Commissioner Blank referenced the City's Municipal Code Section 11.12.170 regarding crafts prohibited in the Harbor entrance. Among these are paddle boards, kayaks, life boats or similar types of crafts "for the transportation of persons in any portion of the main channel or entrance channel of the Harbor".

Discussion followed regarding Code violations observed. Commissioner Blank noted that he has witnessed violations but not to the level where there have been safety concerns.

Ensuing discussion pertained to people not being aware of that particular Code provision.

Mayor Gardner suggested that the Commission may want to address whether this is something that should be readdressed so that the City is not turning a blind eye to people who are breaking the law.

Commissioner Blank added that he has also witnessed enforcement on limited occasions noting that the Harbor Patrol has acted appropriately when there have been unsafe violations of the Code. He stated that he has also seen the Harbor Patrol not act when there have been violations of the Code that were not unsafe.

It was noted that the Harbor Patrol is aware of the Code and has enforced it judiciously.

Discussion followed regarding the issue not being a problem, the possibility of continued monitoring, the Code addressing manually-powered crafts, specifically and the possibility of asking Council whether it would like the Commission to review the Code and return with recommendations.

Mayor Gardner noted that Council has already asked the Commission to consider the matter and that the Commission is within its purview to make recommendations.

Chair West felt that an annual objective does not need to be formalized on the issue but asked Commissioner Blank if he would be willing to lead the effort in performing additional inquiries.

Commissioner Blank agreed and stated that publicity and awareness of the existing Code is warranted but that he would not advocate a revision to the Code.

Interested members of the public were invited to address the Commission on this item.

Dan Purcell felt that the matter will need to be addressed at some point because of increased paddle boarding, but that the Commission has many other issues to address. He suggested that the Commission sit on the matter for a while.

Len Bose addressed trends with Harbor use and felt that paddle boarders are important to the marine industry and may be future marine-industry clients.

Bill Whitford, Director of the Newport Aquatics Center, indicated that he was unsure as to whether there is a problem, but acknowledged that it takes only one event to make it a problem. He felt that this is a seasonal

problem and suggested taking a proactive approach and that the problems may be in relation to rental outfitters.

7) SUBCOMMITTEE REPORTS

Commissioner Girling presented a brief update on the Lower Castaways noting that he and Commissioners Avery and Rhyne met at the parcel with Harbor Resources Supervisor Shannon Levin and decided to reach out to respective Council Members to seek their thoughts and ideas and research history on the parcel. He reported that he and Ms. Levin will meet with a Community Development representative to obtain additional information and that he will meet with City Manager David Kiff for an information-gathering process. He hoped to present a report to the Harbor Commission within the next sixty-days and obtain additional information before reaching out to the community.

Commissioner Girling added that he met with a representative of the Coast Keepers who put together plans when the Irvine Company owned the parcel, and will make them available to him. These plans relate to a possible educational facility at the lower Castaways parcel.

Commissioner Blank presented a report on the placement and use of public piers and addressed objectives, approach taken by the subcommittee and steps taken so far. He addressed challenges, good utilization of existing piers and opportunities as well as conclusions and next steps.

Brief discussion followed regarding public piers on Balboa Island and Little Balboa Island.

Commissioner Girling reported that the lower Castaways parcel was granted to the City by the Irvine Company and that the subcommittee has reviewed the grant deed carefully. He noted that there is one prohibited use, which is to develop a commercial marina on the property. He reported that a subsidiary of the Irvine Company (California Recreation) has use of the parcel but the City has the ability to give them notice to vacate the premises.

Interested parties were invited to address the Commission on this item.

Dan Purcell inquired regarding the bridge over Coast Highway and felt that the matter should be considered in the future.

There being no others wishing to address the Commission, Chair West closed public comments for this item.

Discussion followed regarding the issue of Harbor lines developing the bridge area and that a meeting has been set to determine next steps.

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

Mayor Gardner reported that one of the concerns of the Commission is one of relevance. She added that a recent Council meeting, Council appointed a subcommittee to consider committees and commissions and to clarify the role and clearly bifurcate the duties of the Harbor Commission and the Coastal Bay Water Quality Committee since there are some overlaps. She reported that the role of the Harbor Commission would be to advise the City Council on the implementation of the Tidelands Infrastructure Capital Plan as well as in matters pertaining to the use of water vessels within the Harbor, Harbor permits, advising the Planning Commission and Council on land-use and property development applications, make recommendations for regulations and programs and service the appellate body. The matter will be before Council at an upcoming meeting and Mayor Gardner asked Members to send any comments to her and she will forward them to the subcommittee.

Discussion followed regarding the possibility of addressing Council at its study session of November 13, 2012 to review the objectives developed by the Harbor Commission and verify if they are within the scope of Council's desire.

Ensuing discussion followed regarding the work of subcommittees ultimately leading to a set of recommendations to present to Council.

9) HARBOR RESOURCES UPDATE

Harbor Resources Manager Chris Miller provided an update on the Harbor dredging project addressing recent activities including dredging on the backside of Linda Isle. Mr. Miller addressed the number of cubic yards dredged and going into the Port of Long Beach and thanked the Port for their help and cooperation with this project. He suggested issuing a proclamation to them when the project is complete. He noted that dredging will continue on the rest of the channel. He addressed active dredge areas including the Newport Harbor Yacht Club and relocation of their moorings and stated that priority will be given to placing moorings back in place. In addition, he addressed areas to be dredged within the next few weeks.

Discussion followed regarding dredging near Bay Island and the possibility of dredging deeper near the Nautical Museum in order to accommodate tall ships. Mr. Miller reported that is not possible but indicated that he has been in communication with ExplorOcean to determine what they would like to do in that area. They will likely have that determination within the next two years.

Ensuing discussion pertained to the timeline for completion of the dredging project, the dredging schedule during the Christmas Boat Parade and installation of buoys for use as staging areas during dredging.

Regarding Linda Isle dredging, Mayor Gardner reported that they have a new board and will be putting together a new proposal for the City.

Members of the Commission commended staff and all involved in the dredging project.

Brief discussion followed regarding buoys marking underwater cables.

Mr. Miller addressed new pump-outs, an upcoming meeting of the Coastal Commission where the Corp permit matter will be addressed. He reported that the Corp (RGP) permit is expected in mid-November and stated that he would like input from the Commission on the matter. He addressed the complicated permitting process.

Discussion followed regarding providing an aggressive public outreach regarding availability of the permit, eelgrass issues, dredging in conjunction with residential docks, increasing public communication, the resident application process (404 permit), benefits to businesses, estimated cost of an eelgrass survey, current Harbor dredgers, commercial parcels included in the permit and number of cubic yards allowed to be dredged per year.

Mr. Miller added that the October meeting of the Tidelands Management Committee has been cancelled.

Mr. Miller presented a brief update on rates at the Balboa Marina. He noted that come March 1, 2013, they will be at 100% of market rates of the average of seven marinas within the prescribed basket of marinas. In addition he noted that the vacancy rate is around 15%.

Interested parties were invited to address the Commission on this item. There was no response and Chair West closed public comments for this item.

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE

None

11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Discussion followed regarding keeping the RGP 54 matter on the agenda for continued status updates as well as addressing the Cheyenne issue at the Harbor Commission meeting in December or January.

12) DATE AND TIME FOR NEXT MEETING:

Wednesday, November 14, 2012 at 6:00 p.m.

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:39 p.m.

A handwritten signature in black ink, appearing to be 'M. L. Smith', is written over the text of item 13. The signature is fluid and cursive, with a long horizontal stroke extending to the right.